



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER	
YUSKUD	
ART UNIT	PAPER NUMBER
264	8

DATE MAILED: 07/26/88

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 4-25-88 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449 | 4. <input type="checkbox"/> Notice of informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 29-61 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☒ Claims 1-28 have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 29-61 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable; ☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

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1. The specification has been reviewed in light of several of applicant's remarks relating to the references, the general knowledge in the art of code receiver operations such as time delayed operation in the event of improper code receipt, plural repeated code response, r.f. vs. i.r. operation, receiver programming by transmitted and received codes and the use of non-user programmable transmitters.

2 The examiner's position that certain claimed and functionally disclosed features are common knowledge in the art and thus need not be explicitly described by the applied art has basis in law particularly in the present instance where applicant has not disclosed or shown any particulars regarding the same and has not incorporated the essential material by reference to U.S. patents. Features such as generating, receiving, and comparing two successive codes are well known in related art technologies. If applicant believes he is the first inventor to incorporate such features in a remote control system and disagrees with the examiner's position that such features are common knowledge and obvious to one of ordinary skill in the art, then he should (1) make full disclosure of how these feature have been incorporated in the invention (no program software accompanied the disclosure to support many of the functional features claimed) and (2) should state for the record that he is unaware of any prior art or common knowledge relating to these claimed and functionally disclosed features.

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3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to provide an enabling disclosure.

4. Essential material has not been provided by incorporation by reference to U.S. patents and by submission of software program in order for the functionally disclosed control unit 14 and microprocessor 142 to have the claimed capabilities features at pages 20-22 of applicant's response, items numbered 4, 8, 9, 10, 11.

5. The encoder unit (16), control (14), microprocessor (142) are not specified as to known commercial design product or the like. Absent is essential software specification to provide basis for many of the claimed functional features, those of claims 29 (iii), 30-36, 38 (the M-bit, N-bit code functions), 40-43, 44 (the microprocessor operations and means), 45-50, 51 (the arming/disarming functions and access functions), 52 53 (the programming mode and receiving mode functions), 54 (arming/disarming functions): 55-60.

6. For the claimed features to have basis in the specification, detailed description of control unit 14 and microprocessor 142 (a software program) should be specified.

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7. Claims 29-61 are rejected under 35 U.S.C. 112, first paragraph, for the reasons set forth in the above objection to the specification.

8. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

10. Claims 29, 44; 53 are further rejected under 35 U.S.C. 102e as being clearly anticipated by Heitschel et al.

11. See Figure 2, the abstract, and description of Figure 2.

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12. Claims 30, 31, 33, 35; 37 are rejected under 35 U.S.C. 102e as being clearly anticipated by Heitschel et al.

13. Claims 45, 46, 47, 48, 50, 54, 58, 60; 61 are rejected under 35 U.S.C. 102e as being clearly Heitschel et al.

14. Claims 32, 34; 36 are rejected under 35 U.S.C. 103 as being unpatentable over Heitschel et al alone or in view of Twardowsky.

15. The claim 32 function of time delayed termination of the program mode is considered an obvious alternative to the selective program mode and operate mode means 22, 19, 44 of Heitschel. One of ordinary skill in the art of processor control could routinely use automatic time control of input signals to an MPU for the purpose claimed in lieu of other known program control means as exemplified by Heitschel et al.

16. Claim 34 is indefinite in that "certain areas" and "other areas" lack clear antecedent basis. The meaning of these terms could be that plural receivers 12 and control units 14 are to be controlled by one or more transmitters. As such, claim 34 is suggested by Heitschel et al, Figure 2, columns 1 and 2 in general where the number of code chips per transmitter would be optional and not necessarily restricted to one chip per transmitter and the explified receiver would not be restricted to one receiver. Given the exemplified five code storage control 23 of Figure 2 and the plural transmitter control of the control means 43-46, it is

evident that any one or more transmitters could routinely be provided with codes to control different receivers and control means 41-46.

17. The claim 36 means, the MPU 142, for producing arming or disarming control is synonymous with open or close control for the exemplified means 46 of Heitschel et al. It is common knowledge in the art of remote control of electromechanical devices such as 46 of the reference that sequential reception of a common code could be used to initiate open/close (arm/disarm) operations of such devices. Thus claim 36 is drawn to obvious matter in the art. Also it is noted that none of applicant's figures show the means for arming/disarming any of the means controlled via 176, 190.

18. Twardowsky is relied on for reasons of record at pages 4 and 5 paragraphs 9, 10, 11; 12 of the Office action dated February 24, 1988 and further evidences the claimed functions and arrangements of plural transmitters/receiver systems under control of one or more transmitters (or transmitters codes) to be routinely applicable to MPU type remote controlled receiver systems as disclosed by Heitschel et al.

19. Claims 34, 36, 38-43, 51, 52, 55 and 56-61 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Clear and complete antecedent basis is lacking both in the claims and disclosure for the meaning of

terms relating to the arming/disarming of the system and the control of access to areas.

20. Claims 38-43, 49, 51, 52, 55-57; 59 are rejected under 35 U.S.C. 103 as being unpatentable over Heitschel et al alone or in view of Twardowski and Pinnow.

21. The claimed N or M bit codes (claim 38 for example) for arming/disarming a receiver system is an obvious modification of the Heitschel et al system which is not limited to any specific code format (length, bit duration ~~etc~~) and which could routinely have the transmitters include more than one code chip for producing different codes for controlling different receivers or different receiver functions.

22. Claim 42 is drawn to an obvious alternative over the exemplified manual programming control means and function of Heitschel et al for reasons given in the rejection of claim 32. Pinnow and Twardowski are relied on also for reasons of record to further evidence that several of the claimed functional limitations attributable to MPU 142 of applicant's and also the transmitter units (plural codes) are obvious modifications of the Heitschel et al system to one of ordinary skill in the art. Pinnow and Twardowski clearly evidence that plural transmitters- receivers systems, codes, code selection (format, length), time delay control in the operating mode etc. are commonly known in the art, which teachings could routinely be adapted by one of ordinary skill in the art to modify or broaden the exemplified system

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of Heitschel et al to include all functional operations of the claims.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald J. Yusko whose telephone number is (703) 557-3355.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 557-3321.

D.J. Yusko:vlw

7-20-88

703-557-3355

Donald J. Yusko
DONALD J. YUSKO
PRIMARY EXAMINER
GROUP 264